

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF RHODE ISLAND**

**NICHOLAS PALMIGIANO**

**v.**

**C.A. NO. 74-172 L**

**DEPARTMENT OF CORRECTIONS ET AL.**

**MEMORANDUM AND ORDER**

Presently before the Court are three motions filed by Mark Halvorsen, *pro se*, an inmate at the Adult Correctional Institutions ("ACI") in Cranston, Rhode Island: (i) to order defendant to serve him its response to motions previously filed by Halvorsen as well as to order the Court to serve him the Memorandum and Order issued on February 23, 2009 (the "February 23<sup>rd</sup> Order") denying his motions (Docket # 83); (ii) for an enlargement of time to respond to the February 23<sup>rd</sup> Order (Docket # 83); and (iii) for reconsideration of his previous motion for the appointment of counsel (Docket # 84). As set forth below, the motions are DENIED.

First, inmate Halvorsen has apparently already received a copy of the February 23<sup>rd</sup> Order. More importantly, as was stated in the February 23<sup>rd</sup> Order, both the First Circuit and Senior Judge Lagueux have made it abundantly clear that this case is closed. *See Palmigiano v. Department of Corrections*, No. 74-172, 2009 WL 455427 at \*2 (D.R.I., Feb. 23, 2009)(citing *Palmigiano v. Wall*, Nos. 07-2251, 2268 & 2319 (1<sup>st</sup> Cir. July 2, 2008)(Dockets ## 75, 78 & 81); *Palmigiano v. Sundlun*, 482 F.Supp.2d 207, 211 (D.R.I. 2007)). Further, as was also stated in the February 23<sup>rd</sup> Order, Halvorsen and his fellow inmates did not present any extraordinary circumstances in support of their motion to reopen the case pursuant to Rule 60(b) of the Federal Rules of Civil Procedure. *Id.*

Although in his instant motion for service and an enlargement of time, inmate Halvorsen suggests that the matter is no longer closed because "a fellow Plaintiff submitted one last and final plea for help from a three judge panel" in November 2008, *see* Docket # 83, p. 1 & Exhibit H, he is mistaken.

Accordingly, as the case is closed, it would be futile for the Court to order service of the requested documents, an enlargement of time or counsel for inmate Halvorsen. Therefore, inmate Halvorsen's motions are DENIED.

IT IS SO ORDERED.



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Jacob Hagopian  
Senior United States Magistrate Judge  
November 24, 2009